

Virginia's Faith in Housing Act

On April 22, 2026, Governor Abigail Spanberger signed Senate Bill 388 (the "Faith in Housing Act"), preempting local zoning authority to allow by-right development of affordable housing on property owned by religious organizations and certain tax-exempt nonprofit organizations.

The law, which takes effect January 1, 2027, and sunsets on January 1, 2031, allows qualifying developments to proceed ***by right***, meaning localities may not require legislative or discretionary approval as a precondition to development (***no public hearings or BOCS vote***).

Conditions of the Faith In Housing Act

- **Property Ownership.** The property must be owned continuously by a property tax-exempt religious organization or a property tax-exempt nonprofit organization for at least **5 years prior to the submission** of development plans.
- **Affordability Requirements.** At least 60% of the development's total housing units must be designated as affordable housing, defined as available to households earning up to 80% of the area median income (AMI) for rental units, **or up to 120% of AMI for for-sale units (about \$200,000/year for four-person household, about \$6-700,000 house price).**
- **Land Use Mix.** At least 70% of the development's gross floor area must be residential.
- **Infrastructure.** The property must be served by or within an area planned for public water and sewer infrastructure **(all of PWC).**
- **Exclusions:** The law does not apply to:
 - Property zoned for, or adjacent to land zoned for industrial uses.
 - Existing permits approved before January 1, 2027, or to applications for rezoning, special exceptions, or special use permits submitted before July 1, 2026.
- **Taxation.** All housing built under the Faith in Housing Act is subject to property tax, unless the locality explicitly grants an exemption.
- **Housing Nondiscrimination.** Any housing must be open to the general public and follow nondiscrimination rules.

Prince William County MUST Abide By The Following Rules:

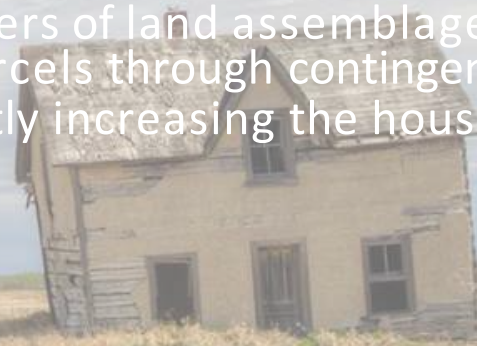
- **Height.** The statute mandates that local ordinances allow building heights of ***45 feet***, or the height of the tallest by-right building within 500 feet of the property, whichever is greater.
- **Density.** The law requires that local ordinances permit up to ***20 units per acre***, or the most intensive existing density within 500 feet, whichever is greater.
- **Parking.** Parking requirements are capped at no more than ***one space per residential unit***, regardless of what the local ordinance would otherwise require.
- **Setback.** The statute mandates that local ordinances allow ***setbacks of 10 feet*** or the smallest setback allowed for any existing property within 500 feet. The locality's 25-foot building setback would not apply.
- Applicant would still have to file site plans, get a building permit, etc.

Key Uncertainties

- **County Adoption.** The law ***requires localities to adopt ordinances*** consistent with its provisions. PWC will be working between now and January 2027 to draft and adopt these implementing ordinances. How PWC defines key terms, structure their administrative review processes, and exercise whatever discretion the statute allows—will affect the development landscape.
- **Vested Rights and the Sunset.** The law expires on January 1, 2031, unless reenacted by a future General Assembly. This four-year window creates inherent uncertainty for projects, particularly for projects that are entitled but not yet constructed when the law expires.
- **Land acquisition.** Religious and non-profit entities could buy land to develop, but unless the law is reenacted there won't be enough time.
- The added density and intensity could undermine the Comprehensive Plan and CESMP goals by adding numerous housing units and the corresponding vehicle trips in rural and semi-rural areas far from high-capacity transit and necessary services such as shopping, schools, etc.

Examples

- A property in the Haymarket area owned by the Boy Scouts is already under consideration for development under the Act. If it moves forward, it would increase the housing density exponentially in a rural part of the county.
- Separate from the FIHA, we are also seeing increasing numbers of land assemblages. These assemblages bundle residential properties into large parcels through contingent contracts with individual landowners with the intention of greatly increasing the housing density in areas far from high-capacity transit.



Questions?

